

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

WASTE DISCHARGE PERMIT No. WA-000223-2

State of Washington
DEPARTMENT OF ECOLOGY

Northwest Regional Office

3190 – 160th Avenue SE

Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and

The Federal Water Pollution Control Act (The Clean Water Act)

United States Code, Section 1251 et seq.

LAFARGE NORTH AMERICA, INC.

5400 WEST MARGINAL WAY SW

SEATTLE, WA 98106

<u>Facility Location:</u> 5400 West Marginal Way SW Seattle, WA 98106	<u>Receiving Water:</u> Duwamish River Class B, Marine Water																		
<u>Water Body I.D. No.:</u> WA-09-1010	<u>Discharge Location:</u> <table><tr><td>Outfall 001</td><td>Latitude:</td><td>47° 33' 30" N</td></tr><tr><td></td><td>Longitude:</td><td>122° 20' 68" W</td></tr><tr><td>Outfall 004</td><td>Latitude:</td><td>47° 33' 28" N</td></tr><tr><td></td><td>Longitude:</td><td>122° 20' 53" W</td></tr><tr><td>Outfall 008</td><td>Latitude:</td><td>47° 33' 13" N</td></tr><tr><td></td><td>Longitude:</td><td>122° 20' 45" W</td></tr></table>	Outfall 001	Latitude:	47° 33' 30" N		Longitude:	122° 20' 68" W	Outfall 004	Latitude:	47° 33' 28" N		Longitude:	122° 20' 53" W	Outfall 008	Latitude:	47° 33' 13" N		Longitude:	122° 20' 45" W
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	Longitude:	122° 20' 45" W																	
<u>Industry Type:</u> Cement Manufacturing																			

is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	August 15, 2006
S3.E	Noncompliance Notification	As necessary	
S4.A	Operations and Maintenance Manual		December 31, 2006
S4.A	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	
S4.B	Reporting Bypasses	As necessary	
S5	Application for Permit Renewal	1/permit cycle	December 30, 2010
S10	Spill Plan	1/permit cycle, updates submitted as necessary	December 31, 2006
S13	Stormwater Pollution Prevention Plan	1/permit cycle	December 31, 2006
S13.B2	Stormwater Pollution Prevention Plan Modifications	As necessary	
G1	Notice of Change in Authorization	As necessary	
G4	Permit Application for Substantive Changes to the Discharge	As necessary	
G8	Notice of Permit Transfer	As necessary	
G21	Reporting Anticipated Noncompliance	As necessary	
G22	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Stormwater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Stormwater discharges shall not cause a visible change in turbidity, color, or cause a visible oil sheen in the receiving water.

Vehicles shall be cleaned of mud, rock, and other material before entering a paved public highway so that tracking of sediment onto the highway shall not occur.

All discharges below the 10-year, 24-hour design storm are prohibited. For storm events between the 10-year, 24-hour and the 10-year, 10-day design storm, Lafarge is authorized to discharge through outfall 008 following treatment for turbidity and pH. Lafarge shall notify the Department prior to discharge and document storm event information leading to this discharge. Separate notification with the precipitation data shall be submitted to the permit facility manager at Ecology within five (5) days following discharges. Lafarge shall maintain the existing stormwater collection and recycling system to its design storm capacity (the maximum volume of water resulting from the 10-year, 10-day precipitation event).

Stormwater discharges shall not cause a visible change in turbidity, color, or cause a visible oil sheen in the receiving water, and discharges shall not cause or contribute to a violation of surface water quality standards (chapter 173-201A WAC) or sediment management standard (chapter 173-204 WAC) of the state of Washington, and 40 CFR 131.

B. Process Wastewater Discharges

All discharges of process waste water and noncontact cooling water are prohibited.

S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the following schedule:

A. Monitoring Schedule for Stormwater Discharge

Parameter	Units	Sample Points Outfalls	Minimum Sampling Frequency	Sample Type
Flow	Gallons per minute	001, 004, 008	Each discharge	Metered
Turbidity ^a	NTU	001, 004, 008	Each discharge	Grab
Background Turbidity ^b	NTU	Upstream of Discharge	Each discharge	Grab
Oil and Grease ^c	mg/L	001, 004, 008	Each discharge	Grab
Visible Sheen	Visible sheen	001, 004, 008	Each discharge	Observed
pH ^d	Standard units	001, 004, 008	Each discharge	Grab
Copper ^e	µg/l	001, 004, 008	Each discharge	Grab
Lead ^f	µg/l	001, 004, 008	Each discharge	Grab
Zinc ^g	µg/l	001, 004, 008	Each discharge	Grab
^a If background turbidity is greater than 50 NTUs, the turbidity of the stormwater shall not exceed 50 NTUs. The MDL (minimum detection level) for turbidity is 1 NTU using a turbidimeter and EPA Method Number 180.1 from 40 CFR Part 136 or Standard Methods for the Examination of Water and Wastewater, 18 th Edition, 2130, or equivalent method. Alternatively, a grab sample shall be analyzed by a laboratory accredited under the provisions of Accreditation of Environmental Laboratories, chapter 173-50 WAC.				
^b Background turbidity and hardness samples shall be taken in the Duwamish River at a point upstream which is representative of the river water quality prior to any discharge from the facility and shall be representative of the background turbidity at the time the stormwater sample is taken.				
^c The method detection level (MDL) for oil and grease is 0.2 mg/L using trichlorotrifluoroethane extraction and gravimetric analysis using EPA Method 413.1. T or equivalent method. The quantitation level (QL) for oil and grease is 1.0 mg/: (5 x MDL). An equivalent method is Method 1664 using normal hexane (n-hexane) as the extraction solvent in place of 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113; Freon-113). An equivalent method is total petroleum hydrocarbons with a MDL of 0.1 mg/L using Gas Chromatography and Flame Ionization Detector (FID) and Method WTPH-Dx Diesel (WTPH-D) from Washington State Department of Ecology Method WTPH-D. The quantitation level (QL) for TPH-DX is 0.5 mg/L (5 x MDL).				
^d pH shall be tested using Standard Method 4500-H+ B, or EPA Method 151.1 or equivalent.				
^e The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry and EPA Method Number 220.2 from 40 CFR Part 136 or equivalent method. The quantitation level (QL) for copper is 5 µg/L (5 x MDL).				
^f The MDL for lead is 1 µg/L using graphite furnace atomic absorption spectrometry and EPA Method Number 239.2 from 40 CFR Part 136 or equivalent method. The quantitation level (QL) for lead is 5 µg/L (5 x MDL).				
^g The MDL for zinc is 2 µg/L using inductively coupled plasma and EPA Method Number 200.7 from 40 CFR Part 136 or equivalent method. The quantitation level (QL) for zinc is 10 µg/L (5 x MDL).				

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or approved by Ecology.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three (3) years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORD KEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be

postmarked or received no later than the 30th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Washington State Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must take the following action upon violation of any permit condition:

Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling shall be submitted to Ecology within thirty (30) days of sampling.

2. The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at (425) 649-7000, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:
 - a. Any noncompliance that may endanger health or the environment.
 - b. Any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B, "Bypass Procedures").
 - c. Any **upset** that exceeds any effluent limitation in the permit (See G.16, "Upset").
 - d. Any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.
 - e. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
3. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 2, above. The written submission must contain:
 - a. A description of the noncompliance and its cause.
 - b. The period of noncompliance, including exact dates and times.
 - c. The estimated time noncompliance is expected to continue if it has not been corrected.
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - e. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
4. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.

5. Reports must be submitted to the address in S3 ("REPORTING AND RECORD KEEPING REQUIREMENTS").

F. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported immediately or within 24 hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E, above ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the permitted facility and be made available upon request to Department of Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

An updated Operation and Maintenance (O&M) Manual shall be submitted to the Department for approval by December 31, 2006. It shall conform to the requirements of WAC 173-240-150. In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures in event of wastewater system upset or failure.
2. Plant maintenance procedures, including all appropriate BMPs to maintain the filtration system in good working order and add the BMPs to its SWPPP.
3. The treatment plant process control monitoring schedule.
4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

5. If discharge is necessary, due to a storm event that exceeds recycling system design capacity, an equipment malfunction, or other unforeseen event, Lafarge shall manage the system such that, to the extent feasible, storm water is treated with its existing filtration and pH correction prior to discharge.

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

B. Bypass Procedures

Bypass, which is the intentional diversion of wastestreams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. The Department is properly notified of the bypass as required in Condition S3.E of this permit.

3. Bypass Which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type of bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by January 30, 2010.

S6. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the state surface water quality standards, chapter 173-201A WAC, or the state ground water quality standards, chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S7. NONROUTINE AND UNANTICIPATED DISCHARGES

A. Beginning on the effective date of this permit, the Permittee may discharge nonroutine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee shall contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. All discharges must comply with the effluent limitations as established in Condition S1 of this permit, water quality standards, sediment management standards, and any other limitations imposed by the Department.
5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
6. If the proposed discharge is to a municipal storm drain and is approved by the Department, the Permittee shall notify the municipality of the discharge.

- B. The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

S8. SPILL PLAN

The Permittee shall by **December 31, 2006**, submit to the Department an update to the existing Spill Control Plan.

The updated Spill Control Plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, chapter 173-181, and contingency plans required by chapter 173-303 WAC may be submitted.

S9. SEDIMENT MONITORING (MARINE)

Lafarge North America, Inc., does not discharge process water and reuses most of their storm water in their cement manufacturing process. This facility has experienced ten discharges to surface water in the last five years. Although there are infrequent discharges to surface water, reported values of copper, lead, and zinc have exceeded the state water quality standards. This facility shall demonstrate that either the point of discharge is not an area of deposition or, if the point of discharge is a depositional area, that there is not an accumulation of toxics in the sediments.

S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, Publication No. WQ-R-93-015, 1998, which is published by the Department of Ecology and available on Ecology's website at <http://www.ecy.wa.gov/biblio/wqr93013.html>.

A. Plan Development

The Permittee shall update, implement, and comply with a SWPPP in accordance with the following schedule:

1. By December 31, 2006, update the SWPPP and retain it on-site.

2. By September 30, 2007, complete the implementation of operational BMPs and applicable source control BMPs, as required under this Special Condition, which do not require capital improvements.
3. By December 31, 2007, complete the implementation of BMPs requiring capital improvements.

The Permittee shall implement all the elements of the SWPPP, including operational, treatment, and source control BMPs, as well as sediment control BMPs determined necessary.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities* Publication No. WQ-R-93-015, 1998, which is published by the Department of Ecology and available on Ecology's website at <http://www.ecy.wa.gov/biblio/wqr93013.html>. The plan shall contain the following elements:
 - a. Assessment and description of existing and potential pollutant sources.
 - b. The SWPPP shall include a description of the operational, source-control, sediment control, and if necessary, treatment BMPs. In addition, the SWPPP shall contain an implementation schedule.
5. Best management practices included with the approved engineered report shall be implemented. These include:
 - a. Training for truck drivers reviewing the cleaning of bumpers and hitches so materials are not tracked throughout the facility and externally.
 - b. Maintenance of the truck wash facility with sump and recycling to clean trucks before they leave the facility and to contain truck wash water on-site.
 - c. Use dust abatement treatment to keep dust formation down and prevent the wind from transferring the materials to the paved surfaces.
 - d. Schedule the preventive maintenance program with a high priority and right before the heavy rain season.
 - e. Hold the annual refresher training for the yard crew and operations at the time the preventive maintenance inspections are conducted.
 - f. Use plant water for washing grounds to minimize the fugitive dust and further improve plant cleanliness followed by the capture and recycling of this wash water.
 - g. Mechanically clean the storm drains to maintain the drains in the system.

B. In addition, source BMPs shall be consistent with the *Stormwater Management Manual for Western Washington*.

1. Management of Raw Materials

The following materials shall be managed to prevent stormwater contamination:

- a. Toxic materials or chemicals shall be covered and contained.
- b. Petroleum contaminated soils (PCS) that fail to meet the most protective MTCA Method 'A' treatment levels (WAC 173-340-740(2)), shall be contained so as to prevent leaching of pollutants to surface water.
- c. Cement.
- d. Admixtures.
- e. Fuels, lubricants, and other petroleum products shall be covered and contained.
- f. Contaminated slag materials from blasting at shipyards shall be contained so as to prevent leaching of pollutants to surface water.

2. Source Control BMPs

The SWPPP shall include source control BMPs as necessary to achieve AKART and compliance with the stormwater discharge limits in S1.

Source control BMPs include, but are not limited to BMPs for:

- a. Fueling at dedicated stations.
- b. Loading and unloading areas.
- c. Washing or steam cleaning vehicles/equipment.
- d. Dust control.
- e. Stabilized entrances and parking areas.
- f. Wheel washes/tire baths—Track-out or fine materials leaving a “track” along the roadway external to Lafarge North America, Inc., is prohibited.
- g. Storage or transfer of solid raw materials, by-products, or finished products.

3. Runoff Conveyance BMPs

The SWPPP shall include runoff conveyance and treatment BMPs as necessary to achieve AKART and compliance with the stormwater discharge limits.

Runoff conveyance BMPs include, but are not limited to:

- a. Daily sweeping or sweeping as often as necessary to keep the paved area clean.
- b. Sediment traps, berms, or other means to minimize fine material deposition to catch basins.

4. Innovative BMPs

Innovative treatment, source control, reduction or recycling, or operational BMPs beyond those identified in Ecology's SWMMs are encouraged if they help achieve compliance with this NPDES permit.

The SWPPP shall include a description of runoff, conveyance, and treatment BMPs used to prevent sedimentation. The plan shall ensure that the following requirements are satisfied:

- a. Properties adjacent to the project site shall be protected from sedimentation related to the facility.
- b. Sediment traps, sediment barriers, and other BMPs intended to trap sediment on site shall be constructed as needed and maintained.

5. Stormwater Inspections

The Permittee shall conduct stormwater inspections each week.

a. Stormwater Quality Inspections

The weekly inspections shall be conducted by personnel named in the SWPPP and shall include observations for the presence of floating materials, suspended solids, oil and grease, discoloration, turbidity, odor, etc., in conveyance systems, including weirs and outfalls. Whenever feasible, the inspection shall be conducted during a rainfall event adequate in intensity and duration to verify that:

- i. The description of potential pollutant sources required under this permit is accurate.
- ii. The controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate.

C. Sediment Control Inspections

1. All on-site sediment control facilities (including catch basins) and BMPs shall be inspected once a week during the wet season (October 1 – April 30). A file containing a log of observations shall be maintained as part of the SWPPP.

D. Inspection Report

A report on each inspection shall be prepared and retained as part of the SWPPP.

The report will summarize the:

1. Scope of the inspection.
2. Personnel conducting the inspection.
3. Date(s) of the inspection.
4. Major observations relating to the implementation of the SWPPP.
5. Any actions taken as a result of the inspection.

The report shall be signed in accordance with Condition G20.

E. General Requirements

1. Submission, Retention, and Availability

The Permittee shall submit a copy of the SWPPP to the Department by December 31, 2006, for review and comment. The SWPPP and all of its modifications shall be signed in accordance with General Condition G20. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least thirty (30) days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

- 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b);
- 2) a significant change in the nature or an increase in quantity of pollutants discharged; or
- 3) a significant change in the Permittee's sludge use or disposal practices.

Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B, below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- 1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
- 2) the permitted facility was being properly operated at the time of the upset;
- 3) the Permittee submitted notice of the upset as required in Condition S3.E; and
- 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels”:
 - 1. One hundred micrograms per liter (100 µg/L).
 - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
 - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

- B. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels”:
1. Five hundred micrograms per liter (500 µg/L).
 2. One milligram per liter (1 mg/L) for antimony.
 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.